

Appl. No. 09/711,945
Amdt. Dated December 1, 2004
Reply to Final Office Action of July 19, 2004 and Advisory Action of November 3, 2004

REMARKS

The Listing of Claims is included as a courtesy to provide a clean version of the pending claims including entry of the amendments presented in the prior response of June 23, 2004. No amendments are made with this Amendment.

Claims 1, 3, and 5-21 remain for consideration by the Examiner.

Claim Rejections Under 35 U.S.C. §102

In the Office Action of July 19, 2004, claims 1, 3, and 5-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication US 2002/0128955 ("Brady"). The Office Action stated that the claims were rejected for the reasons provided in the previous Office Action, and in the Response to Arguments, reasons for retaining the rejection were presented. Applicant traverses the rejections of claims 1, 3, and 5-21 based on the following remarks.

In the Advisory Action, the Examiner does not comment on independent claim 12. Claim 12 calls for "analyzing the plurality of responses based on a set of attributes selected by a user, the set of user-selectable attributes being extensible by the user." On page 5 of the May 3, 2004 Office Action, the Examiner cited Brady for each limitation except the analyzing step. In the July 19, 2004 Office Action, the Examiner asserted that Brady teaches analyzing responses based on attributes set by user with its teaching at para. [0033] of changing quantity, price, and buy/sell but these parameters change what responses may be received but fail to teach varying how a plurality of responses may be variably analyzed based on user selected and user extensible attributes. For this reason alone, claim 12 is not shown or suggested by Brady, and the rejection should be withdrawn.

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To overcome any misunderstanding, it may be useful to provide a brief example of the operation of one embodiment Applicant's quote analysis framework. Applicant's quote analysis framework has the ability to allow users to specify many factors for use in determining what proposals are input/received and, importantly, allows a user to assign weights (or analysis attributes) to these factors for use during analysis that is used to choose which proposal is accepted or how such proposals are rated. As an example,

- o A tire manufacturer's RFQ may state factors (or "relevant attributes" as stated in claim 1) such as: Total Quantity Price per unit; Rubber grade; First delivery date; and Quantity available per month.
- o Now, during the analysis, the tire manufacturer assigns weights ("attributes") to these factors depending on its current needs, such as: (1) If reserve rubber is running low, it gives "First delivery date" more weight; (2) If it needs a vendor with high monthly capacity, it gives "Quantity available per month" more weight; and so on.

During the "analyzing" of claim 12, the method uses these weights or "set attributes" into consideration to determine the best quote.

For the convenience of the Examiner, additional reasons for allowing claim 12 over Brady as provided in a response are again provided:

"Nothing in Brady teaches that a user can expand or add new attributes for its calculations but merely that calculation values/parameters can be set by a market maker. Further, claim 12 calls for a request for transaction framework to be developed, with such development to include establishing a set of relevant attributes "selected from a set of existing market attributes based on input from a market maker." Nothing in Brady teaches that a market maker can provide input that will

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vary which attributes are included in a request for transaction framework. Hence, Brady fails to teach or suggest each and every element of the method of claim 12, and claim 12 is allowable over Brady.

The Response to Arguments of the July 19, 2004 Office Action argued that a market maker in Brady is able "to change parameters such as price, quantity, and buy/sell" and the subscriber as well as the market maker can "influence the parameters." The term "extensible" does not mean setting a value for a preset parameter. Setting a value may influence that predetermined parameter, but this teaching of Brady does not show extending the set of attributes. "Extensible" has a dictionary or likely ordinary meaning of "capable of being extended." Nothing in Brady even hints that it would be desirable to allow a market maker to increase the number of parameters or how such extension of the set could be performed. Hence, Brady does not teach an analysis engine that enables providers to perform an analysis framework on a plurality of requests based on an extensible number of attributes."

As can be seen from the above discussion, one feature of the invention that is not shown or suggested by Brady is that the quote analysis framework allows the provider and the purchasing organization to both extend the parameters used to analyze requests and the responses. These features are claimed at least in claims 6 and 8.

Claim 6 calls for an analysis engine that enables providers to perform an analysis framework on a plurality of requests "based on an extensible number of attributes." Further, the analysis framework is determined by the market maker using the framework engine. Hence, a market maker is able to

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determine what analysis framework is available to providers for analyzing received requests. Additionally, the providers can analyze the requests using such a framework with attributes that can be extended in number. Brady fails to teach each element of claim 6. The Response to Arguments of the July 19, 2004 Office Action points to page 5, paragraphs 0053-0056 of Brady but the Examiner admits that all Brady teaches is setting a price. This is very different from extending the number of parameters, i.e., adding a parameter in addition to price not already in the set of parameters. In other words, Brady teaches a static parameter set whose values can be selected but the number of parameters in the set cannot be extended. Claim 8 provides a similar feature for analyzing responses to the requests. Hence, the rejection of claims 6 and 8 based on Brady is not supported.

With regard to claims 6 and 8, the Advisory Action again refers to paras. [0053-0056] and states that parameters set by a market maker be "sent to the subscriber for the analysis." This does not teach that analysis attributes are "extensible" by a subscriber, i.e., transmittal of a set of parameters does NOT teach adding to this set.

With regard to independent claim 15, the Advisory Action states that Brady "clearly teaches that the market maker generates a matrix of parameters such as bid, ask prices and quantities (page 4, paragraph 0045 and page 5 paragraph 0054)" and this teaches a "new attribute for the given parameter." Applicant agrees that Brady teaches assigning new values for preset parameters or attributes. However, Brady fails to teach adding ADDITIONAL or NEW attributes/parameters. Claim 15 discusses existing attributes and selecting these attributes. Then, claim 15 discusses "creating new attributes", which calls for an additional attribute or parameter to be added that was not among the existing attributes. As a result, claim 15 is not anticipated by Brady.

Again, because Applicant believed prior reasons for allowing claim 15 were persuasive, these reasons are restated below:

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"Independent claim 15 is directed to a method for developing an online request for transaction market that includes selecting relevant existing attributes, "creating new attributes", selecting an analysis framework, and developing a request for transaction based on the existing attributes AND on the newly-created attributes and selected analysis framework. Brady is cited at Figures 3D, 3E, and 4A and at pages 3-4, paragraphs 0033-0034 and 0037. However, Brady fails to teach creating new attributes and selecting an analysis framework, and therefore, cannot teach developing the request for transaction based on the new attributes and the analysis framework. Clearly, the cited quote entry screens do not teach creating new attributes or developing an online request for transaction based on an analysis framework. Brady fails to anticipate each feature of claim 15, and the rejection under 102(e) is improper and should be withdrawn. The Response to Arguments argues by teaching setting a value for a parameter that Brady teaches "creating" the parameter. However, claim 15 calls for "creating new attributes" and not merely setting values for existing attributes."

As to claim 1, Applicant disagrees with Examiner's assertion in the Advisory Action (and in prior Office Actions) that the market maker in Brady is able to create a new request for transaction framework including BOTH selecting and defining parameters. Applicant asserts that Brady only teaches defining values but does not allow a framework to be created with user selected parameters.

The following are reasons for allowing claim 1 over Brady which were provided in the prior response:

"Claim 1 is directed to a system for developing and using a request for transaction framework. The system comprises a framework engine configured to enable a market maker to

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develop a request for transaction (RFT) framework for a market. The framework engine "creates the request for transaction framework for the particular market based on attribute parameters selected and defined by the market maker." In the Advisory Action and the Response to Arguments of the July 19, 2004 Office Action, the Examiner asserts that Brady teaches selecting and defining parameters at page 4, paragraphs 0038-0040. However, at this citation and elsewhere, Brady only teaches defining values for the attribute parameters and fails to teach selecting the parameters. For example, a market maker according to Brady can set a value of the "N and W parameters" but cannot add or "select" new parameters such as an X, Y, or Z parameter as called for in claim 1.

In other words, if the teaching of Brady was found to teach this feature of claim 1, the limitations "select and" would be impermissibly read out of claim 1. Claim language must be interpreted such that each limitation has meaning and is not redundant, and the limitations "select" and "define" must be construed as having distinct meanings. Since Brady only teaches defining a value for a particular preset value, this reference does not teach each and every limitation of claim 1, i.e., fails to teach both selecting AND defining the attributes but instead only allows a market maker to vary values for predetermined parameters. Hence, Brady fails to teach a framework engine the generates a request for transaction framework for a market "based on attribute parameters" that are selected and defined by a framework developer.

Additionally, the system of claim 1 calls for a request for transaction engine that is configured to manage requests for transactions in which the "request comprises structured attribute

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information relating to the resource requirement, the structured attribute information being defined by the market maker using the framework engine." Brady fails to teach that a developer can dictate the form of requests for transactions by defining structured attribute information via a framework engine. For at least these reasons, the system of claim 1 is not shown or suggested by Brady.

More particularly, the Response to Arguments cites Brady at page 4, paragraphs 0038-40 for teaching the framework engine of claim 1 and paragraph 0044 and Figures 4A-4C. At these citations, Brady there is no discussion of the market makers being able to select and define attribute parameters that are in turn used by a framework engine to create a request for transaction framework. Brady, for example, in paragraph 0044 and Figures 4A-4C allows a market maker to "control" parameters in a screen by setting ranges or values for the parameters. However, these parameter values are NOT structured attribute information that is being defined by the market maker, and there is no teaching that the market maker is able to define structured information via the framework engine to define information contained in a request. Brady teaches that a derivatives market maker can control the trading by declining a submitted quote or changing a quote. There is no discussion of the Brady market maker being able to control information in a "request for transaction" input by a third party or organization by defining structured attribute information. Because this additional element of claim 1 is not shown or suggested by Brady, claim 1 is allowable over this reference."

Claims 3 and 5-9 depend from claim 1 and are believed allowable at least for the reasons for allowing claim 1.

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Claims 13 and 14 depend from claim 12 and are believed allowable as depending from an allowable base claim. Further, claim 14 is allowable for the reasons for allowing claim 6 was it allows analyzing of pending requests based on "an extensible number of user-selectable attributes." Brady fails to teach that a user can choose the number of analysis attributes or select such attributes for analyzing requests.

Claims 16-18 and 20 depend from claim 15 and are believed allowable at least for the reasons for allowing claim 15. Additionally, claims 16-18 detail how a new attribute is created. Since Brady fails to teach creating a new attribute, the reference also fails to teach the technique called for in claims 16-18. For this additional reason, claims 16-18 are allowable over Brady.

Claim 21 is directed to a system with mean-plus-function limitations similar to those of claim 1. Hence, claim 21 is believed allowable over Brady for the reasons provided for allowing claim 1.

Rejection of Claims Under 35 U.S.C. §103

Additionally, in the prior Office Action, claims 10, 11, and 19 were rejected under 35 U.S.C. § 103(a) over Brady. This rejection is respectfully traversed. Claims 10, 11, and 19 depend from claims 1 and 15 and are believed allowable as depending from an allowable base claim.

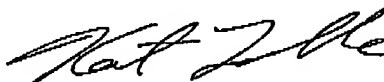
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Conclusion

In view of all of the above, the pending claims are believed to be allowable and the case in condition for allowance.

Please charge the required fee of \$110.00 for the 1 month extension of time to Deposit Account 50-1123.

Respectfully submitted,



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